

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD P. MULCAHEY,

Defendant,

and

NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

Garnishee.

Case No. 1:15-CR-10112-001-RGS

APPLICATION FOR WRIT OF GARNISHMENT

Pursuant to 28 U.S.C. § 3205(b)(1)¹, the Federal Debt Collection Procedures Act, the United States of America (the “United States”), through its attorneys, United States Attorney 3212 and Assistant United States Attorney Brendan T. Mockler, hereby petitions the Clerk of the United States District Court to issue a Writ of Garnishment upon all funds and/or property, which Northwestern Mutual Life Insurance Company (“Garnishee”), located in Milwaukee, WI, is believed to hold on behalf of the Defendant, Ronald P. Mulcahey (“Mulcahey”) to satisfy a judgment entered against Mulcahey.

¹ Under 28 U.S.C. § 3205(b)(1), the United States files an application for writ of garnishment with the specified information with the Court. If the Court determines that the requirements are met, the Court shall issue the writ of garnishment. 28 U.S.C. § 3205(c)(1). Once the Court issues the writ of garnishment, the United States serves the writ on the defendant and the garnishee and certifies to the Court that it has done so. 28 U.S.C. § 3205(c)(3). Included with the service of the writ on the garnishee is an instruction explaining the requirement that the garnishee submit a written answer to the writ. 28 U.S.C. § 3205(c)(3)(A). Included with the service of the writ on the defendant are instructions for objecting to the answer of the garnishee and for obtaining a hearing on the objections. 28 U.S.C. § 3205(c)(3)(B). The garnishee shall answer the writ within 10 days of service. 28 U.S.C. § 3205(c)(2)(E). The defendant and the United States have 20 days after receipt of the answer to file an objection and request a hearing. 28 U.S.C. § 3205(c)(5). After the garnishee files an answer and if no hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the defendant’s nonexempt interest in such property. If a hearing is timely requested, the order shall be entered within 5 days after the hearing, or as soon thereafter as practicable. 28 U.S.C. § 3205(c)(7).

In support, the United States says:

1. On March 24, 2017, a Judgment in a Criminal Case was entered in the United States District Court for the District of Massachusetts against Mulcahey, social security number ***-**-2415, last known address in Ayer, MA.
2. Mulcahey is indebted for the judgment amount of \$267,784.23; plus accrued interest at the rate of 1.03 percent per day. The current total balance is \$267,862.89.
3. Pursuant to 28 U.S.C. § 3205(b)(1)(B), the United States made demand for payment of the aforementioned debt upon not less than 30 days prior to the date of this Application, and Mulcahey has failed to satisfy the restitution and/or fine debt.
4. Pursuant to the Mandatory Victims Restitution Act of 1996 (“MVRA”), the United States Attorney General is responsible for enforcing restitution orders. *See* 18 U.S.C. §§ 3664(m)(1)(A)(1), 3612(c)(2). Pursuant to 18 U.S.C. §§ 3613(f) and 3664(m)(1)(A), all provisions available for the enforcement of fines is also available for the enforcement of restitution.
5. The United States believes the Garnishee, is in possession or control of funds and/or property belonging to Mulcahey, and that Mulcahey has a substantial nonexempt interest in such funds and/or property. This Writ of Garnishment is intended to compel the Garnishee to pay to the United States District Court all funds held on behalf of Mulcahey to be applied towards Mulcahey’s restitution and/or fine debt.

WHEREFORE, The United States petitions the Clerk of the United States District Court to issue a Writ of Garnishment upon all funds held by Northwestern Mutual Life Insurance Company on behalf of Mulcahey, to satisfy the judgment entered against Mulcahey on March 24, 2017.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

WILLIAM D. WEINREB
Acting United States Attorney

Date: September 19, 2017

By: /s/ Brendan T. Mockler
BRENDAN T. MOCKLER (BBO # 569140)
Assistant United States Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
Tel. No. (617) 748-3197
brendan.mockler@usdoj.gov

IT IS, on this 27th day of September, 2017.

ALLOWED, that the Clerk of the Court shall issue the Writ of Garnishment.

Richard B. Hearn
UNITED STATES DISTRICT COURT